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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
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13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 LAL BHATIA,)
17 Defendant.)
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No. CR 05-00334 SBA

STIPULATION AND FOR
CONTINUANCE AND EXCLUSION OF
TIME UNDER THE SPEEDY TRIAL
ACT, 18 U.S.C. § 3161 ET SEQ.

19 Plaintiff, United States of America, by and through its counsel of record, and the
20 defendants, through counsel of record, hereby stipulate as follows:

21 1. The parties respectfully request that the appearance scheduled for November 15, 2005 at
22 9:00 a.m. be continued to December 13, 2005 at 9:00 a.m.

23 2. The parties agree that the time period from November 15, 2005, through and including
24 December 13, 2005, should be excluded from the Speedy Trial Act calculation pursuant to 18
25 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

26 3. The continuance is requested to give the parties additional time to review the thousands
27 of pages of documents provided in discovery. Additionally, defendant Lal Bhatia is presently
28 reviewing thousands of files retrieved from several computer components seized from him by the

Stipulation and Order to Continue
CR 05-00334 SBA

1 government in May 2005. For the foregoing reasons, the parties stipulate and agree that the
2 ends of justice served by the continuance requested herein outweigh the best interests of the
3 public and the defendants in a speedy trial because the failure to grant such a continuance would
4 unreasonably deny the parties the reasonable time necessary for effective preparation, taking into
5 account due diligence.

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8 Dated:

DOUGLAS L. RAPPAPORT
Counsel for defendant Lal Bhatia

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11 Dated:

JEROME MATTHEWS
Counsel for defendant Marzban Mody

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ELENA CONDIS
Counsel for defendant Henri Berger

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17 Dated:

DORON WEINBERG
Counsel for defendant Steven Shelton

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20 Dated:

KEVIN V. RYAN
United States Attorney

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STEPHEN G. CORRIGAN
Assistant United States Attorney
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ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

The time period from November 15, 2005 through and including December 13, 2005, should
be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and
(B)(iv), in that the parties stipulated and the Court agrees that the ends of justice served by this
exclusion outweigh the best interest of the public and the defendant in a speedy trial, that a
failure to exclude this time would result in a miscarriage of justice, and that the failure to exclude
this time would deny counsel for the parties the reasonable time necessary for effective
preparation, taking into account the exercise of due diligence.

Based on the findings, IT IS HEREBY ORDERED THAT the scheduled appearance date of
November 15, 2005 at 9:00 a.m., be continued to December 13, 2005 at 9:00 a.m., and that time
between November 15, 2005 and December 13, 2005 is excluded under the Speedy Trial Act
pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: November 15, 2005.


SAUNDRA BROWN ARMSTRONG
United States District Judge